

REMARKS

Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1, 4-6, 8-11, 13, 15-17, 20-27, 30-41, 44, and 48 are currently pending.
- Claim 8 is canceled herein.
- Claims 1, 9, 17, 20-27, 30-31, 34, 40, and 48 are amended herein.

Support for the amendments to claims 1, 9, 17, 20-27, 30-31, 34, 40, and 48 is found in the specification, as originally filed, at least at pages 7, 13, 16, 17, 18, 114-118, and/or claim 8. The amendments submitted herein do not introduce any new matter.

Claims 25-30 and 34 Comply With § 112, Second Paragraph

Claims 25-30 and 34 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant respectfully requests reconsideration in light of the amendments presented herein.

For the purpose of expediting prosecution, Applicant herein amends claims 25-27, 30, and 34 as shown above. Applicant previously cancelled claims 28-29. Applicant respectfully submits that these amendments render the § 112 rejection moot and respectfully requests that the Office withdraw the § 112 rejection.

Claims 17 and 20-24 Recite Statutory Subject Matter Under § 101

Claims 17 and 20-24 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

For the purpose of expediting prosecution, Applicant herein amends claims 17 and 20-24 as shown above. Support for the amendments is found in Applicant's original specification at least at pages 114-118. For convenience, Applicant reproduces portions of the specification below (with emphasis added):

Computer environment 600 includes a general-purpose computing device in the form of a computer 602.

Specification, page 114.

An implementation of these modules and techniques may be stored on or transmitted across some form of **computer readable media**. **Computer readable media can be any available media that can be accessed by a computer.** By way of example, and not limitation, computer readable media may comprise “**computer storage media**” and “**communications media**.”

“**Computer storage media**” includes volatile and non-volatile, removable and non-removable media implemented in any method or technology for storage of information such as computer readable instructions, data structures, program modules, or other data. Computer storage media includes, but is not limited to, RAM, ROM, EEPROM, flash memory or other memory technology, CD-ROM, digital versatile disks (DVD) or other optical storage, magnetic cassettes, magnetic tape, magnetic disk storage or other magnetic storage devices, or any other medium which can be used to store the desired information and which can be **accessed by a computer**.

“**Communication media**” typically embodies computer readable instructions, data structures, program modules, or other data in a modulated data signal, such as carrier wave or other transport mechanism. Communication media also includes any information delivery media. The term “modulated data signal” means a signal that has one or more of its characteristics set or changed in such a manner as to encode information in the signal. By way of example, and not limitation, communication media includes wired media such as a wired network or direct-wired connection, and wireless media such as acoustic, RF, infrared, and other wireless media. Combinations of any of the above are also included within the scope of computer readable media. (Emphasis added).

Specification, pages 118-119.

The specification describes that computer storage media includes media for storage of information, which is clearly distinguished in Applicant’s specification from communication media that includes a modulated data signal or other carrier wave form. Applicant amends claims 17 and 20-24 to recite “a computing device storage media” to distinguish that the claims recite statutory subject matter and do not claim a signal. Further, Applicant has stated on the record that the claims are not directed to a signal. Consequently, in view of the description set forth in Applicant’s Specification and Applicant’s statement for the record, no reasonable interpretation of Applicant’s amended claims 17 and 20-24 can include transitory media, such as a signal or a carrier wave. Instead, the terms in Applicant’s amended claims should be interpreted according to their

plain meaning in light of the Specification, i.e., as a computing device storage media for storage of information. See MPEP 2111.01.

In view of the amendments herein, Applicant respectfully requests that the rejection of claims 17 and 20-24 under 35 U.S.C. § 101 be withdrawn.

Cited Documents

The following documents have been applied to reject one or more claims of the Application:

- **Hayball:** Hayball, U.S. Patent No. 6,308,174, and
- **Graupner:** Graupner, U.S. Patent No. 7,035,930.

Claims 1, 4-6, 8-11, 13, 15-17, 20-27, 30-41, 44 and 48 Are Non-Obvious Over Hayball and Graupner

Claims 1, 4-6, 8-11, 13, 15-17, 20-27, 30-41, 44 and 48 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Hayball and Graupner. Applicant respectfully requests reconsideration in light of the amendments presented herein.

Independent Claim 1

Without conceding the propriety of the stated rejections, and to advance the prosecution of this application, Applicant amends independent claim 1, to further clarify features of the subject matter. Claim 1, as amended herein, recites, in part:

validating the environment for the system, by the one or more computing devices, by comparing the one or more requirements of the system with the environment of which the system is to be deployed to determine whether the one or more requirements of the system are satisfied by the environment during the development phase;

validating the system for the environment, by the one or more computing devices, by comparing the one or more requirements of the environment with the system to determine whether the one or more requirements of the environment are satisfied by the system during the development phase;

integrating the development phase, the deployment phase, and the management phase in a lifecycle of the system based on the system definition model.

Applicant respectfully submits that the combination of Hayball and Graupner fails to teach or suggest the recited features of amended claim 1. Examiner Bates tentatively agreed that the amendments overcome the cited references. Applicant appreciates this indication.

Hayball is directed towards “managing a telecommunications network.” Hayball, col. 1, line 12. “Theoretically, a complete record could have been retained of a [Management Information Base] MIB and stored.” Id., col. 2, lines 46-47. “This stored information could then have been analysed at a later date using the analysis tools 702.” Id., col. 2, lines 47-49. “However, this method is impractical because the complete MIB,

once stored, could not be analysed using the analysis tools 702 without reloading the MIB and restoring it to a working condition.” Id., col. 2, lines 49-53.

“The management information comprises any data or information suitable for use in managing a communications network.” Id., col. 4, lines 45-46. “For example, information about the performance of components in the network; information about faults in the network and information about the configuration of the network.” Id., col. 4, lines 46-50. “The information stored in a MIB is management information and this comprises information about the network elements that are to be managed.” Id., col. 4, lines 51-53. **“Here future MIBs 24 are used to validate the upgraded network.”** (Emphasis added). Id., col. 7, lines 29-30. **“For example, a network upgrade is planned using an off-line system 21 and the results provided to a future MIB 24.”** (Emphasis added). Id., col. 7, lines 30-32. “Then the upgrade is effected, for example, by installing new hardware 26.” Id., col. 7, lines 34-35. “The new hardware, when installed is typically automatically identified by the network management system 23 and current MIB 25; then checks can be made against the future MIB 24 as illustrated by arrow 28.” Id., col. 7, lines 35-38.

Graupner is directed towards “identifying optimal allocations of computing resources in a complex, distributed data processing environment.” Graupner, Abstract. “Models provide a view of the arrangement of software and hardware components in a complex computing environment.” Id., col. 4, lines 57-59. “In the upper model layers in the service domain it is difficult to obtain actual processing, capacity, and transport

attribute values.” *Id.*, col. 6, lines 53-55. “The present invention provides means to validate and calibrate these attribute values by observations using information gathered while the application system is running.” *Id.*, col. 6, lines 59-62.

A. Hayball and Graupner fail to teach or suggest validating the environment as in claim 1

The combination of Hayball and Graupner fails to teach or suggest “validating the environment for the system, by the one or more computing devices, by comparing the one or more requirements of the system with the environment of which the system is to be deployed to determine whether the one or more requirements of the system are satisfied by the environment during the development phase,” as presently recited in claim 1. On page 11 of the Office Action, the Office rejected this feature of claim 1 by citing Hayball at col. 7, lines 28-42 and lines 61-67, as teaching or suggesting the aforementioned feature. Applicant respectfully disagrees.

Hayball focuses on information about the performance of components in the telecommunications network, information about faults in the network, and information about the configuration of the network. The citations in Hayball describe using **future management information bases (MIBs) to validate the upgraded network for telecommunications.**” (Emphasis added). The validation in Hayball is for upgraded **telecommunications network** using **future MIBs**, which is not analogous nor performs the same functions as the “validating the environment for the system,” as in claim 1. (Emphasis added). Furthermore, Hayball fails to discuss or even mention “comparing the one or more requirements of the system with the environment of which the system is to

be deployed to determine whether the one or more requirements of the system are satisfied by the environment during the development phase,” as recited in claim 1. Thus, Hayball cannot be reasonably interpreted to teach or suggest the aforementioned feature.

Graupner fails to remedy the deficiencies of Hayball. Graupner provides means to **validate and calibrate attribute values** by observations using information gathered while the application system is running. (Emphasis added). The validating of attribute values in Graupner is not analogous to the feature in claim 1. Thus, Graupner also fails to teach or suggest the aforementioned feature. Consequently, the combination of Hayball and Graupner does not teach or suggest at least “validating the environment for the system, by the one or more computing devices, by comparing the one or more requirements of the system with the environment of which the system is to be deployed to determine whether the one or more requirements of the system are satisfied by the environment during the development phase,” as presently recited in claim 1.

B. Hayball and Graupner fail to teach or suggest validating the system as in claim 1

In addition, the combination of Hayball and Graupner fails to teach or suggest “validating the system for the environment, by the one or more computing devices, by comparing the one or more requirements of the environment with the system to determine whether the one or more requirements of the environment are satisfied by the system during the development phase,” as presently recited in claim 1. Applicant amended the

aforementioned feature that was previously recited in claim 8 into claim 1. Accordingly, Applicant cancels claim 8 without prejudice, waiver, or disclaimer of the subject matter.

On page 15 of the Office Action, the Office rejected this feature of claim 1 by citing Hayball at col. 7, lines 28-42 and lines 61-67, as teaching or suggesting the aforementioned feature. Applicant respectfully disagrees. This is also the same citation that was used for rejecting the validating of the environment. However, validating of the environment is not the same as validating of the system.

Hayball focuses on information about the performance of components in the telecommunications network, information about faults in the network, and information about the configuration of the network. The citations in Hayball describe using **future management information bases (MIBs) to validate the upgraded network for telecommunications.**” (Emphasis added). The validation in Hayball is for upgraded **telecommunications network** using **future MIBs**, which is not analogous nor performs the same functions as the “validating the system for the environment,” as in claim 1. (Emphasis added). Furthermore, Hayball fails to discuss or even mention “comparing the one or more requirements of the environment with the system to determine whether the one or more requirements of the environment are satisfied by the system during the development phase,” as recited in claim 1. Thus, Hayball cannot be reasonably interpreted to teach or suggest the aforementioned feature.

Graupner fails to remedy the deficiencies of Hayball. Graupner provides means to **validate and calibrate attribute values** by observations using information gathered

while the application system is running. (Emphasis added). The validating of attribute values in Graupner is not analogous to the feature in claim 1. Thus, Graupner also fails to teach or suggest the aforementioned feature. Consequently, the combination of Hayball and Graupner does not teach or suggest at least “validating the system for the environment, by the one or more computing devices, by comparing the one or more requirements of the environment with the system to determine whether the one or more requirements of the environment are satisfied by the system during the development phase,” as presently recited in claim 1.

C. Hayball and Graupner fail to teach or suggest integrating the phases as in claim 1

Furthermore, the combination of Hayball and Graupner fails to teach or suggest “integrating the development phase, the deployment phase, and the management phase in a lifecycle of the system based on the system definition model,” as presently recited in claim 1.

Applicant conducted a thorough search of Hayball and Graupner. Both Hayball and Graupner fail to mention or even discuss integrating, different phases, lifecycle, or system definition model of claim 1. Thus, the combination of Hayball and Graupner does not teach or suggest at least “integrating the development phase, the deployment phase, and the management phase in a lifecycle of the system based on the system definition model,” as presently recited in claim 1.

For at least the reasons presented herein, the combination of Hayball and Graupner does not teach or suggest all of the features of claim 1. Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 1.

Independent Claim 17

Without conceding the propriety of the stated rejections, and to advance the prosecution of this application, Applicant amends independent claim 17, to further clarify features of the subject matter. Claim 17, as amended herein, recites, in part:

validating the environment for the system, by the processor, by comparing the one or more requirements of the system with the environment of which the system is to be deployed to determine whether the one or more requirements of the system are satisfied by the environment during the development phase;

validating the system for the environment, by the processor, by comparing the one or more requirements of the environment with the system to determine whether the one or more requirements of the environment are satisfied by the system during the development phase;

during the deployment phase of the system, generating a record of resources involved in the deployment phase and relationships between the resources;

Examiner Bates tentatively agreed that the amendments overcome the cited references. Applicant appreciates this indication.

Applicant respectfully submits that the combination of Hayball and Graupner fails to teach or suggest the recited features of amended claim 17. For reasons similar to those discussed above with respect to claim 1, Hayball and Graupner, alone or in combination, fail to teach or suggest at least “validating the environment for the system, by the processor, by comparing the one or more requirements of the system with the environment of which the system is to be deployed to determine whether the one or more requirements of the system are satisfied by the environment during the development phase; validating the system for the environment, by the processor, by comparing the one or more requirements of the environment with the system to determine whether the one or more requirements of the environment are satisfied by the system during the development phase; during the deployment phase of the system, generating a record of resources involved in the deployment phase and relationships between the resources” as presently recited in Applicant’s claim 17. Accordingly, Applicant respectfully submits that claim 17 is patentable over Hayball and Graupner, alone or in combination, for at least reasons similar to those set forth above with respect to claim 1. Applicant respectfully requests withdrawal of the rejection under § 103.

Independent Claim 25

Without conceding the propriety of the stated rejections, and to advance the prosecution of this application, Applicant amends independent claim 25, to further clarify features of the subject matter. Claim 25, as amended herein, recites, in part:

a development system executed on the processor, configured to validate the environment by comparing the requirements of the system with the environment to determine whether the requirements of the system are satisfied by the environment during the development phase;

the development system executed on the processor, configured to validate the system by comparing the requirements of the environment with the system to determine whether the requirements of the environment are satisfied by the system during the development phase;

the controller executed on a processor, further configured to use the system definition model to integrate the development phase, the deployment phase, and the management phase in a lifecycle of the system.

Examiner Bates tentatively agreed that the amendments overcome the cited references. Applicant appreciates this indication.

Applicant respectfully submits that the combination of Hayball and Graupner fails to teach or suggest the recited features of amended claim 25. For reasons similar to those discussed above with respect to claim 1, Hayball and Graupner, alone or in combination, fail to teach or suggest at least “a development system executed on the processor, configured to validate the environment by comparing the requirements of the system with the environment to determine whether the requirements of the system are satisfied by the environment during the development phase; the development system executed on the processor, configured to validate the system by comparing the requirements of the environment with the system to determine whether the requirements of the environment

are satisfied by the system during the development phase; the controller executed on a processor, further configured to use the system definition model to integrate the development phase, the deployment phase, and the management phase in a lifecycle of the system,” as presently recited in Applicant’s claim 25. Accordingly, Applicant respectfully submits that claim 25 is patentable over Hayball and Graupner, alone or in combination, for at least reasons similar to those set forth above with respect to claim 1. Applicant respectfully requests withdrawal of the rejection under § 103.

Independent Claim 31

Without conceding the propriety of the stated rejections, and to advance the prosecution of this application, Applicant amends independent claim 31, to further clarify features of the subject matter. Claim 31, as amended herein, recites, in part:

a development system executed on the processor to validate the environment by comparing the requirements of the system with the environment to determine whether the requirements of the system are satisfied by the environment during a development phase;

the development system further executed on the processor to validate the system by comparing the requirements of the environment with the system to determine whether the requirements of the environment are satisfied by the system during the development phase;

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during the deployment phase of the application, generating a record of resources involved in the deployment phase and relationships between the resources;

Examiner Bates tentatively agreed that the amendments overcome the cited references. Applicant appreciates this indication.

Applicant respectfully submits that the combination of Hayball and Graupner fails to teach or suggest the recited features of amended claim 31. For reasons similar to those discussed above with respect to claim 1, Hayball and Graupner, alone or in combination, fail to teach or suggest at least “a development system executed on the processor to validate the environment by comparing the requirements of the system with the environment to determine whether the requirements of the system are satisfied by the environment during a development phase; the development system further executed on the processor to validate the system by comparing the requirements of the environment with the system to determine whether the requirements of the environment are satisfied by the system during the development phase; during the deployment phase of the application, generating a record of resources involved in the deployment phase and relationships between the resources,” as presently recited in Applicant’s claim 31. Accordingly, Applicant respectfully submits that claim 31 is patentable over Hayball and Graupner, alone or in combination, for at least reasons similar to those set forth above with respect to claim 1. Applicant respectfully requests withdrawal of the rejection under § 103.

Dependent Claims 4-6, 8-11, 13, 15-16, 20-24, 26-27, 30, 32-40, 44, and 48

Claims 4-6, 9-11, 13, 15-16, 20-24, 26-27, 30, 32-40, 44, and 48 include additional features that further distinguish the claims over the cited references. Claims 4-6, 9-11, 13, 15-16, 20-24, 26-27, 30, 32-40, 44, and 48 ultimately depend from one of independent claims 1, 17, 25, or 31. As discussed above, claims 1, 17, 25, or 31 are distinguished over the cited documents. Thus, claims 4-6, 9-11, 13, 15-16, 20-24, 26-27, 30, 32-40, 44, and 48 are also allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

For reasons similar to those discussed above with respect to claims 1, 17, 25, and 31, claims 4-6, 9-11, 13, 15-16, 20-24, 26-27, 30, 32-40, 44, and 48 are likewise not rendered obvious by the cited references. Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of these claims.

Conclusion

For at least the foregoing reasons, all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.

If any issues remain that would prevent allowance of this application, **Applicant requests that the Examiner contact the undersigned representative before issuing a subsequent Action.**

Respectfully Submitted,

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